1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 DISTRICT OF NEVADA 10 11 KIM BLANDINO, Case No. 2:19-cv-01010-GMN-VCF 12 **ORDER** Petitioner. 13 v. 14 LAS VEGAS DETENTION CENTER, et al.. 15 Respondents. 16 17 18 Petitioner has filed a motion to file first amended petition (ECF No. 14), which the court 19 grants. The court has reviewed the first amended petition under Rule 4 of the Rules Governing 20 Section 2254 Cases in the United States District Courts. The court summarily denies the petition 21 because it is without merit on its face. 22 This action arises out of a conviction in the Las Vegas Municipal Court. Petitioner appealed the conviction to the Eighth Judicial District Court of the State of Nevada, which 23 24 dismissed the appeal. Four of the five grounds lack merit for the same reason. Ground 1 is a claim that the Las 25 26 Vegas Municipal Court lacked jurisdiction because petitioner was charged solely with a violation 27 of the Nevada Revised Statutes, and state law requires that he be charged with a violation of a 28 municipal ordinance. Ground 2 is a claim that the Las Vegas Municipal Court did not issue a

1 written judgment of conviction. Ground 3 is a claim that the state district court's dismissal of the 2 appeal, because petitioner did not file a transcript, was incorrect. Ground 5 is a claim that petitioner's appeal needed to be heard by a three-judge panel, not by one judge. All of these are 3 4 claims of violations of state laws. "A federal court may not issue the writ on the basis of a 5 perceived error of state law." Pulley v. Harris, 465 U.S. 37, 41 (1984). Consequently, grounds 1, 6 2, 3, and 5 are without merit. 7 In ground 4, petitioner alleges that the state district judge dismissed the appeal because of 8 the judge's antipathy toward petitioner's religious beliefs and practices. However, petitioner 9 himself alleged in ground 3 that the state district court dismissed the appeal because he failed to 10 file a transcript with his appeal. That decision is independent of any bias that the judge might 11 have had. Ground 4 is without merit on its face. 12 To appeal the denial of a petition for a writ of habeas corpus, Petitioner must obtain a 13 certificate of appealability, after making a "substantial showing of the denial of a constitutional 14 right." 28 U.S.C. §2253(c). 15 Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy §2253(c) is straightforward: The petitioner must 16 demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. 17 18 Slack v. McDaniel, 529 U.S. 473, 484 (2000); see also James v. Giles, 221 F.3d 1074, 1077-79 19 (9th Cir. 2000). Reasonable jurists would not find the court's determinations on petitioner's 20 claims to be debatable or wrong. The court will not issue a certificate of appealability. 21 IT THEREFORE IS ORDERED that the motion to file first amended petition (ECF No. 22 14) is **GRANTED**. The clerk of the court shall file the amended petition, currently in the docket 23 at ECF No. 14-1. 24 IT FURTHER IS ORDERED that the first amended petition is **DENIED**. The clerk of the 25 court shall enter judgment accordingly and close this action. 26 ///

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1	IT FURTHER IS ORDERED that a certificate of appealability will not issue.
2	DATED: October 2, 2019
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4	GLOBIA M. NAVARRO United States District Judge
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